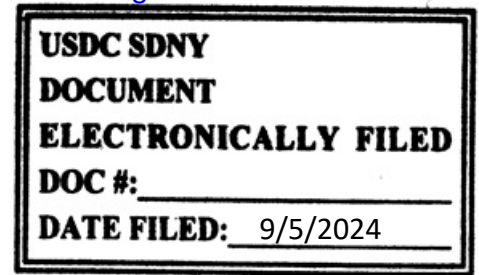


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September 5, 2024

**VIA ECF**

The Honorable Margaret M. Garnett, United States District Judge  
United States District Judge  
Southern District of New York  
40 Foley Square, Room 2102  
New York, NY 10007

**Re: *Grand Associates, LLC v. 4D Sight, Inc.*, 24-cv-03258 (MMG)**

Dear Judge Garnett:

This Firm represents Defendant 4D Sight, Inc. in the above-captioned matter. Pursuant to Your Honor's Individual Rules & Practices, we respectfully submit this letter-motion to request an adjournment of the upcoming Initial Pretrial Conference (the "Conference") currently set for September 12, 2024, and an extension of time to allow Defendant to file a motion to dismiss the Complaint under Fed. R. Civ. P. 12(b), including but not limited to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted.

As noted in previous submissions, Plaintiff has already received \$162,500 from Mr. Erhan Ciris to settle the dispute described in the Complaint. The claims against Defendant are a blatant attempt to "double dip" to recover additional damages for the same set of allegations, and therefore should be dismissed on *res judicata* grounds.

Defendant further submits that the Complaint should be dismissed in its entirety for failing to plead essential elements of each of its claims, obviating the need for any discovery or further pretrial proceedings. Among other deficiencies, the Complaint: (1) fails to allege any false statements made by Defendant, as opposed to statements made by Mr. Erhan Ciris in his personal capacity, much less allege any knowledge of such statements' falsity, intent to induce reliance, or any justifiable reliance or damages; and (2) fails to allege any reasonable expectation that Defendant should have paid anything to Plaintiff for Mr. Ciris's personal use of his apartment.

By adjourning the Conference to a date following the Court's decision on Defendant's motion to dismiss, the Court can avoid expending unnecessary judicial resources on a case that Defendant believes is unlikely to proceed past the motion to dismiss stage. Additionally, because this dispute concerns a residential tenancy agreement between Mr. Ciris and Plaintiff, and has nothing to do with Defendant, Mr. Ciris is personally paying all legal bills for defending this lawsuit—even after settling the dispute at issue by paying \$162,500. If the Court agrees to adjourn the Conference and postpone discovery until after its decision on Defendant's motion to dismiss, Mr. Ciris may have the opportunity to avoid incurring further significant financial (as well as emotional) burdens.

This is Defendant's first request for an adjournment or extension of time. We have conferred with Plaintiff's counsel regarding this request, who has refused to consent, stating that a motion to dismiss briefing schedule can be incorporated into a proposed pretrial schedule.

Given the likelihood that the Complaint may be dismissed in its entirety, Defendant respectfully requests that the Conference be adjourned pending the Court's resolution of Defendant's motion to dismiss. We understand that Defendant's initial response to the Complaint was delayed by the failure of the New York Secretary of State to timely forward the Complaint to the Defendant, and therefore propose the following expedited briefing schedule:

- Defendant's motion to dismiss shall be due on or before September 26, 2024;
- Plaintiff's opposition or amended complaint shall be due on or before October 10, 2024; and
- Defendant's reply, supplemental motion to dismiss, or letter stating that it relies on the previously filed motion to dismiss shall be due on or before October 24, 2024.

Plaintiff's counsel has requested that, if the Court does grant our request for adjournment, their deadline for filing an opposition brief or amended complaint be on or before October 16, 2024 due to other commitments. We have no objection to that modification and, if the Court agrees, would accordingly propose the following revised briefing schedule:

- Defendant's motion to dismiss shall be due on or before October 2, 2024;
- Plaintiff's opposition or amended complaint shall be due on or before October 16, 2024; and
- Defendant's reply, supplemental motion to dismiss, or letter stating that it relies on the previously filed motion to dismiss shall be due on or before October 30, 2024.

We propose that the Conference, if still necessary following the Court's ruling on the motion to dismiss, be adjourned to a date of the Court's convenience following its decision, with the parties to submit a proposed Case Management Plan and Scheduling Order no later than seven days in advance of the scheduled Conference.

We have made this request at least two business days prior to the current date of the Conference, in compliance with Your Honor's Individual Rules & Practices. We appreciate the Court's consideration of this request.

Respectfully submitted,



Mark S. Silver, Esq.  
Law Office of Mark Silver, PLLC  
Attorney for Defendant

cc: All counsel via ECF

**GRANTED.** The conference previously scheduled for September 12, 2024 is hereby *ADJOURNED sine die*, and counsel's proposed briefing schedule on Defendant's motion to dismiss is **ADOPTED**. Defendant's motion shall be due **October 2, 2024**; Plaintiff's opposition or amended complaint shall be due **October 16, 2024**; and Defendant's reply, supplemental motion to dismiss, or letter shall be due by **October 30, 2024**. In the meantime, should counsel agree that a referral to the designated Magistrate Judge for a settlement conference or to the Court-Annexed Mediation/ADR program would be productive to resolving this matter short of motion practice, counsel shall promptly so inform the Court by joint letter.

**SO ORDERED.** Dated September 5, 2024.



**HON. MARGARET M. GARNETT**  
**UNITED STATES DISTRICT JUDGE**